

# **EXHIBIT 1**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

In the Matter of the Application of,

AGUDATH ISRAEL OF AMERICA, and A.L.,  
I.G., M.H., M.M., M.M., M.W., R.F., R.P., R.R.,  
Y.N., as parents of their respective minor  
children,

Petitioners,

For Judgment Pursuant to CPLR Article 78

-against-

NEW YORK STATE BOARD OF REGENTS,  
NEW YORK STATE EDUCATION  
DEPARTMENT, and BETTY A. ROSA, in her  
official capacity as Commissioner of Education,

Respondents,

Index No. 909589-24

**ORDER TO SHOW**  
**CAUSE FOR A TEMPORARY**  
**RESTRAINING ORDER,**  
**PRELIMINARY INJUNCTION,**  
**AND OTHER RELIEF**

**ORAL ARGUMENT REQUESTED**

Upon the accompanying Verified Article 78 Petition, verified on October 1, 2024, Memorandum of Law in Support of Petitioners' Motion for A Temporary Restraining Order and Preliminary Injunction, and the accompanying Emergency Affirmation of Adam Cohen in Support of Petitioners' Verified Article 78 Petition And Motion for A Temporary Restraining Order And Preliminary Injunction, dated October 1, 2024, and the exhibits thereto, and having found sufficient reason alleged and good cause appearing therefore:

IT IS HEREBY ORDERED that Respondents New York State Board of Regents, New York State Education Department, and Betty A. Rosa, in her official capacity as Commissioner of Education, or their attorneys, show cause before this Court, at IAS Part \_\_\_\_ of the Supreme Court of the State of New York, County of Albany, located at 116 Eagle Street, Courtroom Albany, New York, New York 12207 on the 10<sup>th</sup> day of January, 2025 at 10:00 a. m.,

or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to CPLR 6301, 6311, 7803, and 7805:

1. Granting Petitioners a preliminary injunction enjoining and suspending the emergency Amendment of Section 200.5 of the Regulations of the Commissioner of Education Relating to Special Education Due Process Hearings, promulgated and adopted by the New York State Education Department (“NYSED”) Board of Regents on July 15, 2024, or as subsequently re-adopted (the “Revised Regulation”), and enjoining Respondents from implementing and enforcing it pending resolution of this proceeding on the merits;
2. Granting Petitioners such other and further relief as the Court deems just and proper;

AND IT IS FURTHER ORDERED that, pending the hearing and determination of Petitioners’ application for a preliminary injunction, the Revised Regulation is hereby stayed and suspended, and Respondents, their agents, servants, employees, officers, attorneys, and all other persons in active concert or participation with them, are temporarily enjoined and restrained from taking any steps to (a) implement the Revised Regulation, or (b) enforce it as against any person or entity;

AND IT IS FURTHER ORDERED that Petitioners shall serve a copy of this Order to Show Cause, together with the Verified Petition and other papers upon which it is based, on Respondents or their counsel of record by electronic mail or hand delivery on or before the 7<sup>th</sup> day of October, 2024, which shall be deemed good and sufficient service thereof, as well as good and sufficient service of the Verified Petition with supporting papers and notice thereof pursuant to CPLR 403; and such service shall be deemed good and sufficient service for purposes of the Court obtaining personal jurisdiction over the parties;

AND IT IS FURTHER ORDERED that Respondents shall serve upon counsel for Petitioners, Adam Cohen (acohen@wmhwlaw.com), and Ivy Yao (iyao@wmhwlaw.com), Walden Macht Haran & Williams LLP, 250 Vesey Street, 27<sup>th</sup> Floor, New York, NY 10281, any answering papers in opposition to Petitioners' application for a preliminary injunction by NYSCEF filing on or before the 1<sup>st</sup> day of November, 2024;

AND IT IS FURTHER ORDERED that Petitioners shall serve any reply papers in further support of their application for a preliminary injunction upon Respondents by NYSCEF filing on or before the 15<sup>th</sup> day of November, 2024;

AND IT IS FURTHER ORDERED that Respondents shall serve upon the aforementioned counsel for Petitioners any answering papers in opposition to the Verified Petition by NYSCEF filing on or before 20<sup>th</sup> day of December, 2024;

AND IT IS FURTHER ORDERED, that Petitioners shall serve any reply papers in further support of their petition upon respondents by NYSCEF filing on or before the 10<sup>th</sup> day of January, 2025.

ENTERED:

Kimberly A O'Connor

J.S.C.  
Hon. Kimberly A. O'Connor  
Acting Supreme Court Justice